

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

STEPHEN C. STANKO,

*Plaintiff,*

v.

SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS; JOEL E. ANDERSON, Interim  
Director, SCDC; COLIE RUSHTON, Director of  
Security & Emergency Operations, SCDC;  
STEPHEN DUNCAN, Warden, Broad River  
Correctional Institution; and LYDELL  
CHESTNUT, Deputy Warden, Broad River  
Correctional Institution,

*Defendants,*

and

HENRY DARGAN McMASTER, in his official  
capacity as Governor of the State of South  
Carolina,

*Intervenor–Defendant.*

Civil Action No.: 3:25-cv-4976-RMG-SVH

**MOTION TO DISMISS**

Henry Dargan McMaster, in his official capacity as Governor of the State of South Carolina; the South Carolina Department of Corrections; Joel E. Anderson, Interim Director of the South Carolina Department of Corrections; Colie Rushton, Director of Security & Emergency Operations of the South Carolina Department of Corrections; Stephen Duncan, Warden of Broad River Correctional Institution; and Lydell Chestnut, Deputy Warden of Broad River Correctional Institution, move to dismiss under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

Defendants incorporate Parts I and II of the Argument in their Response to Section 1983 Action under ECF No. 8 and Motion to Stay (ECF No. 17), *see* ECF No. 20, at 7–18, so a separate

memorandum would serve no useful purpose, *see* Local Civ. R. 7.04 (D.S.C.).

Respectfully Submitted,

s/Wm. Grayson Lambert

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*Anderson, Director Rushton, Warden*

*Duncan, and Deputy Warden Chestnut*

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